

SENATE JUDICIARY COMMITTEE SUBSTITUTE FOR  
SENATE BILL 5

**54TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2020**

This document incorporates amendments that have been adopted during the current legislative session. The document is a tool to show the amendments in context and is not to be used for the purpose of amendments.

AN ACT

RELATING TO DOMESTIC AFFAIRS; CREATING THE EXTREME RISK FIREARM PROTECTION ORDER ACT; PROVIDING FOR THE ISSUANCE OF COURT ORDERS TO REQUIRE THE RELINQUISHMENT OF FIREARMS FOR SOME PERIOD UNDER CERTAIN CIRCUMSTANCES; Sf1→~~INCREASING THE MAXIMUM LIABILITY FOR CLAIMS FILED PURSUANT TO THE TORT CLAIMS ACT~~←Sf1 Sf1→~~CLARIFYING DUTIES OF A LAW ENFORCEMENT OFFICER IN THE TORT CLAIMS ACT~~←Sf1; PROVIDING PENALTIES; AMENDING AND ENACTING SECTIONS OF THE NMSA 1978.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

.217276.5AIC February 7, 2020 (4:33pm)



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SJC/SB 5

pursuant to Section 31-19-1 NMSA 1978.

SECTION 14. Section 41-4-12 NMSA 1978 (being Laws 1976, Chapter 58, Section 12, as amended) is amended to read:

"41-4-12. LIABILITY--LAW ENFORCEMENT OFFICERS.--The immunity granted pursuant to Subsection A of Section [5-14-4 NMSA 1953] 41-4-4 NMSA 1978 does not apply to liability for personal injury, bodily injury, wrongful death or property damage resulting from assault, battery, false imprisonment, false arrest, malicious prosecution, abuse of process, libel, slander, defamation of character, violation of property rights, failure to comply with duties established pursuant to statute or law or deprivation of any rights, privileges or immunities secured by the constitution and laws of the United States or New Mexico when caused by law enforcement officers while acting within the scope of their duties. For purposes of this section, "law enforcement officer" means a public officer vested by law with the power to maintain order, to make arrests for crime or to detain persons suspected of committing a crime, whether that duty extends to all crimes or is limited to specific crimes."

Sf1→~~SECTION 15. Section 41-4-19 NMSA 1978 (being Laws 1976, Chapter 58, Section 17, as amended) is amended to read:~~

~~"41-4-19. MAXIMUM LIABILITY.--~~

~~A. Unless limited by Subsection B of this section, in any action for damages against a governmental entity or a~~

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